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| 10/687,213 | 10/15/2003 | Lance A. Tatman | 10030378-1 | 7146 |

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AGILENT TECHNOLOGIES, INC.
Legal Department, DL 429
Intellectual Property Administration
P.O. Box 7599
Loveland, CO 80537-0599

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| EXAMINER |
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HARPER, KEVIN C

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| ART UNIT | PAPER NUMBER |
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2616

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12/27/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/687,213

Applicant(s)

TATMAN ET AL.

Examiner

Kevin Harper

Art Unit

2616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 September 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 4, 5 and 8-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 4, 5 and 8-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

Response to Arguments

Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goringe et al. (US 2003/0043820).

1. Regarding claim 1, Goringe discloses an autonomous system (figs. 1-2) comprising two or more areas (fig. 1; para. 3, last eight lines) including a router, and a probe (fig. 2) logically connected to the router in each area and configured to receive link state routing protocol from the router in each area (para. 23, lines 16-23). Further regarding claim 11, a router is selected (paras.

29-32; para. 68, lines 1-6) for a logical connection to be created (note: IP connection using SNMP).

2. It appears that Goringe discloses link state flooding (para. 10, lines 11-14; note: use of “typically” indicates flooding may be used in the present invention). However, one skilled in the art would recognize that link start flooding in a network is performed by routers and other network devices to exhaustively discover network topology (para. 7, lines 7-11), albeit at a disadvantage of potentially transmitting a higher number of link state messages. Therefore, it would have been obvious to one skilled in the art at the time the invention was made to flood a network with link state data because one skilled in the art would recognize the predictable result that all network devices will receive the link state data to provide network topology (see KSR Int’l Co. v. Teleflex Inc., 2007).

3. Regarding claim 4, the link state information is state and cost information for links, routers and networks (para. 23, line 22; para. 24; figs. 7-8).

Claims 5 and 8-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goringe as applied to claim 1 above, and further in view of Greenberg et al. (US 2007/0165546).

Claims 11-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goringe et al. (US 2003/0043820) in view of Greenberg et al. (US 2007/0165546).

4. Regarding claims 5, 11 and 14-15, Goringe discloses probes in a network (para. 23). However, Goringe does not disclose the location of the probes. Greenberg discloses probes (fig. 1, 161-163) that have at least a partial adjacency to routers, where the probes establish adjacency (paras. 32-33). Therefore, it would have been obvious to one skilled in the art at the time the

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invention was made to have adjacency to routers in the invention of Goringe in order to be within the same network, or in order to communicate with the routers as is known in the art.

5. Regarding claims 8 and 16, these limitations have been addressed in the rejection of claim 4 above.

6. Regarding claims 9-10, in Goringe the areas are included in a single autonomous system (fig. 1; para. 74, last 4 lines).

7. Regarding claims 12-13 and 17-18, Goringe discloses configuring an IP tunnel from a probe to an interface on a router (fig. 10; note: an IP tunnel is IP packets sent to a destination - para. 29, lines 1-3). Although, Goringe does not disclose subinterfaces for probes. However, Goringe notes that network devices have subinterfaces (para. 25). Therefore, it would have been obvious to one skilled in the art at the time the invention was made to have subinterfaces for probes in the invention of Goringe in order to provide an access point to the network (para. 25, lines 6-13).

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin Harper whose telephone number is 571-272-3166. The examiner can normally be reached weekdays from 11:00 AM to 7:00 PM ET.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynn Feild, can be reached at 571-272-2092. The centralized fax number for the Patent Office is 571-273-8300. For non-official communications, the examiner's personal fax number is 571-273-3166 and the examiner's e-mail address is kevin.harper@uspto.gov.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications associated with a customer number is available through Private PAIR only. For more information about the PAIR system, see portal.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Kevin C. Harper

December 20, 2007